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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 001290

SIPDIS

DEPT FOR EUR/CACEN, DRL
NSC FOR DAVID MERKEL

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TAGS: PREL PGOV AM
SUBJECT: ARMENIAN CONSTITUTIONAL REFORMS: ON THE RIGHT TRACK?

REF: YEREVAN 1142

Classified By: CDA A.F. Godfrey for reasons 1.4 (b, d).

SUMMARY

11. (C) On July 7, the GOAM submitted a revised package of constitutional amendments to the Council of Europe (CoE) Venice Commission. Though the proposed GOAM revisions appear to track Venice Commission recommendations, they are unlikely to build public consensus. Opposition groups, still trying to paint the constitutional reform process as a referendum on the Kocharian Administration, claim the changes do little to curb the Armenian president's powers. Limited public engagement and unrealistically high legal requirements for voter turnout in referenda threaten to derail the process. Angered President Robert Kocharian, in an apparent 'take it or leave it' bid to force the opposition's hand, has reportedly withdrawn his support for the amendments. The Venice Commission plans to announce the results of its evaluation on July 20. The Embassy is supporting a modest public information campaign to build understanding of the reform process, but interest is still weak. End Summary.

LACK OF PUBLIC SUPPORT THREATENS TO DERAIL AMENDMENTS

12. (SBU) On July 7, the GOAM submitted a revised package of constitutional amendments to the Council of Europe (CoE) Venice Commission. The governing coalition refused to release the full text of the amendments, and instead distributed to opposition members a summary document which includes changes relevant to Venice Commission recommendations only. Post has reviewed the summary document which, we believe, generally tracks Venice Commission recommendations. The Venice Commission plans to announce the results of its evaluation of the full text of the amendments on July 20.

13. (SBU) Though the proposed GOAM revisions generally track Venice Commission recommendations, opposition party leaders publicly question Kocharian's commitment to reform, claiming the amendments would not do enough to decentralize executive powers. Waning public interest and unrealistically high legal thresholds for voter participation present substantial challenges to the GOAM's effort to pass the amendments by referendum. The Embassy seeks to build understanding of the reform process through a modest public information campaign, but interest is still weak.

OPPOSITION PAINTING PROCESS AS REFERENDUM ON KOCHARIAN

14. (C) Privately, opposition Justice Party member Shavarsh Kocharyan told the Ambassador that Vartan Poghosyan and Hrayr Tovmasyan, opposition-affiliated constitutional law attorneys, actually drafted the GOAM's proposed constitutional amendments. Publicly, however, Shavarsh Kocharyan says the revisions "do not go far enough" to decentralize executive powers. Republic Party leader Aram Sargsyan announced his opposition to the amendments and, like Kocharyan, says his party will not negotiate with the ruling coalition. Both party leaders claim that the GOAM will be unable to pass a referendum without their support.

SENIOR LEADERSHIP HOLDING BACK

15. (C) Shavarsh Kocharyan told the Ambassador that COE delegates Armen Harutyunyan, Justice Minister David Harutyunyan, NA Deputy Chairman Tigran Torosian, and opposition-affiliated constitutional law expert Vartan Pogosyan incorrectly advised GOAM President Robert Kocharian that opposition leaders would welcome revisions to the draft GOAM amendments. When confronted with intense criticism

instead, an angry President Kocharian reportedly withdrew his support for the amendments.

COMMENT: ON THE RIGHT TRACK, BUT OPPOSITION SUPPORT NEEDED

16. (C) Though the GOAM's proposed revisions appear to track Venice Commission recommendations, limited public support and unrealistically high voter participation thresholds significantly complicate GOAM efforts to amend the constitution. For a referendum to pass, President Kocharian will likely need opposition support. At present, the opposition says it is unwilling to participate. Though publicly critical of the amendments, opposition party leaders privately confide the changes are positive. Still, opposition leaders hope to hold constitutional reform hostage to their own political aspirations, including a high-profile political victory over Kocharian.

17. (C) We are pressing all of Armenia's political leaders to engage with the Venice Commission on the constitutional reform process. In a series of meetings with opposition leaders, the Ambassador urged them to not let this opportunity slip by. While there are indications that some may recognize that improving the rules of the game benefits them and are quietly engaging with coalition drafters, they remain unwilling to take the political risk of engaging publicly.

GODFREY